

DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent of: Petitou, et al.

Patent No.: 4,818,816

Issued : April 4 1989

For : Process For The Organic Synthesis of
Oligosaccharides and Derivatives Thereof

PETITION UNDER 37 CFR 1.182

RECEIVED

MAR 25 1996

Commissioner of Patent and Trademarks
BOX DAC
Washington, D.C. 20231

OFFICE OF PETITIONS
A/C PATENTS

Sir:

Your petitioner, Choay, S.A., the assignee of record of the above-identified patent hereby petitions that the terminal disclaimer filed October 23, 1988 in Application Serial No. 07/115,593, which issued as Patent No. 4,818,816, be withdrawn and that the terminal disclaimer submitted herewith be substituted therefor.

The language of the originally filed terminal disclaimer states that the period disclaimed is the period "which would extend beyond the expiration date of Patent No. 4,607,025", but does not make explicit that the "expiration date" referred to is the expiration date of the full statutory term of Patent No. 4,607,025. Since the -025 patent has recently expired for failure to pay a maintenance fee, the language of the originally filed terminal disclaimer might create some doubt as to the expiration date from which the period disclaimed is measured, and therefore some ambiguity regarding the present status of Patent No. 4,818,816; hence the instant petition.

The terminal disclaimer submitted herewith makes clear that the portion of the term of the -816 patent disclaimed is the period subsequent to the full statutory term of the -025 patent, and that no portion of the term of the -816 patent prior to the expiration date of the full statutory term of the -025 patent is disclaimed as a consequence of the premature expiry of the -025 patent, e.g., for failure to pay a maintenance fee.

Thus the terminal disclaimer submitted herewith does not change the length of the period originally disclaimed but merely removes any ambiguity

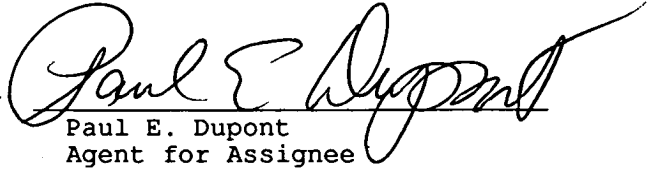
which might be created by the language of the originally filed disclaimer, and accordingly grant of this petition and entry of the accompanying terminal disclaimer are earnestly solicited.

Respectfully submitted,
CHOAY, S.A.

Date:

March 6, 1996

By



Paul E. Dupont
Agent for Assignee
Reg. No. 27,438